THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13923 of 2007

03.7.2007

Between:

Mahaboob Pasha, S/o.Bade Saheb

… Petitioner

and

The Mandal Revenue Officer, Sircilla Mandal, Karimnagar District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13923 of 2007

ORDER:

Petitioner's father, Bade Saheb, was granted patta in respect of land admeasuring Acs.5.00 in survey No.449 by proceedings dated 20.12.1976. He also obtained Pattadar Pass Book (PPB) and was cultivating the same. It is not clear whether the original assignee is alive or not. Be that as it is, petitioner filed the instant writ petition alleging that respondents are trying to allot the land as house sites to third parties. The petitioner made representation to the authorities requesting to allow him to retain the land and not to allot to others, in vain. Therefore, he filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in threatening to dispossess the petitioner as illegal and for a direction to respondents not to dispossess him.

After hearing learned Counsel for petitioner and learned Assistant Government Pleader for Revenue (Assignment), this Court is of considered opinion that the writ petition is filed on mere apprehension. Cause of action as disclosed in paragraph 4 of the affidavit accompanying the writ petition is in very vague terms. It is stated that, "respondent authorities are trying to allot the above said land for house sites to some other persons". No details are forthcoming. Secondly, admittedly the land was assigned to petitioner's father and it is always permissible for the respondents to resume the land for any public purpose. Such resumption can only be ordered only after issuing notice to the petitioner and giving an

opportunity to oppose such resumption. This Court has no manner of doubt that such procedure would be followed by the respondents before resuming the land from the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

July 03, 2007 (**V.V.S.RAO, J**)

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